

REMARKS

Claims 1-9, 16, 17, 19, 20, 29 and 30 are pending. Despite the Applicants' traversal, the Office Action has withdrawn claims 8, 16, and 19 as directed to a non-elected species. The Applicants respectfully request reconsideration. As to the non-withdrawn claims (1-7, 9, 17, 20, 29 and 30), these claims have all been rejected under the judicially-created doctrine of double patenting. These claims have also been rejected as obvious based upon a suggested combination between Clark (U.S. Patent No. 2,878,532) and Leuchten et al. (U.S. Patent No. 4,803,108). The Applicants respectfully traverse these rejections.

By way of historical perspective, the present application is a continuation of parent application Serial No. 09/394,027, now U.S. Patent No. 6,360,487. Numerous claims issued in that parent case, yet after prosecution on the merits additional claims remained. The applicants filed the present application to pursue these additional claims, some of which are now rejected in a double patenting rejection based on the very same allowed claims in the parent case. The Applicants have filed a terminal disclaimer, herewith, which obviates the double patenting rejection.

The pending claims (less claims 29 and 30) had been rejected in the parent application based upon a proposed combination of Clark and Suter (U.S. Patent No. 3,675,377). The Applicants pointed out that Clark, although teaching a sliding door, failed to teach a door having a resilient core and a flexible covering. The Examiner in the parent application pointed to Suter as teaching these latter two elements. The Applicants responded by pointing out that Suter not only failed to teach the purported subject matter, the prior art did not provide any *prima facie* teaching or suggestion to combine Suter with Clark. In fact, the purported

combination appeared to be completely untenable for the purposes described in the two patents. Now comes a new rejection based on another reference to be combined with Clark – a reference that appears to be even less relevant to the claimed subject matter than Suter. The Applicants again respectfully traverse.

As stated before, none of the cited art, whether taken alone or in combination, teaches or suggests a door as claimed in claim 1. Claim 1 recites a door including a resilient core and a “flexible covering that at least partially covers the resilient core to comprise a first door panel having a relaxed shape disposed along a plane, the first door panel being at least thickness compressible,” the first door panel “further being able to substantially recover its relaxed shape after an impact causes appreciable distortion in the first door panel.”

The Office Action states that Clark describes a door having panels and an actuation system. The Office Action also states that Clark does not teach a resilient foam core or a flexible covering. Instead, the Office Action points to Leutchen et al.

Leutchen et al. teach a reinforcing sheet that is “for the reinforcement of a panel formed of metal, plastic or sheet.” Col. 1, ll. 7-8. More specifically, the reinforcing sheet is a lightweight way to improve a panel’s resistance to “impact, buckling and bending.” Col. 2, ll. 47-51. In other words, Leutchen et al. teach a reinforcing structure that strengthens an existing panel making that panel less likely to bend and buckle (and presumably compress) than would occur otherwise. Leutchen et al. clearly do not teach a resilient foam core or a flexible covering, as recited in claim 1.

The Office Action suggests that the Leutchen et al. reinforcing sheet has a flexible outer covering. In fact, Leutchen et al. teach that their reinforcing sheet

is used neither as an outer covering nor as a flexible structure. The reinforcing sheet includes “a first thermosetting adhesive layer” and “a second thermosetting adhesive layer.” Col. 2, ll. 63-65. The reinforcing sheet is adhered to the panel to be reinforced by contacting the first thermosetting adhesive layer with the panel and “heating to the curing temperature...to harden reinforcing sheet 10 on the panel and to bond reinforcing sheet 10 to the panel.” Col. 3, ll. 45-51 (emphasis added). The second thermosetting adhesive layer is adhered to a reinforcement backing that “increases the reinforcing strength of the reinforcing sheet.” Col. 3, ll. 38-42. In other words, Leutchen et al. are teaching a reinforcing sheet sandwiched between rigid panels. On this point, Leutchen et al. are consistent and clear.

The only flexibility that Leutchen et al. describe is the desirability that their panel is flexible enough to conform to the shape of the panel. Yet, that flexibility is used before the thermosetting step hardens the reinforcing sheet and bonds it to the panel. Even the honeycomb structure is described as advantageously “formed of a metal alloy plate,” which the Applicants respectfully assert does not appear to be designed for flexibility. Col. 3, ll. 58. In fact, the prophetic example of Leutchen et al. shows (see, Table) that its honeycomb is designed to reduce the amount of deflection in the panel under force, doing so by orders of magnitude in some cases.

In short, Leutchen et al. do not teach a resilient core or a flexible covering, as recited in claim 1. The rejection is respectfully traversed.

Not only do Leutchen et al. fail to fill the gaps in Clark identified by the Office Action (tabling the issue of what other gaps exist in Clark), the Office Action does not set forth a *prima facie* case of obviousness. None of the requirements

for *prima facie* obviousness have been met. See, In re Rouffet, 47 U.S.P.Q.2d 1453, 1457 (Fed. Cir. 1998) (previously cited); MPEP §2143.

Leutchen et al. teach a reinforcing sheet for an existing panel. Clark discloses a rigid panel door having an interior space of insulation material. There is no suggestion to combine these two patents to form panels resilient upon impact, as suggested by the Office Action. In fact, combining the rigid panel door of Clark with the reinforcing sheet of Leutchen et al. would not result in such resiliency at all. To the contrary, if such a combination were even possible, the resulting structure would strengthen the door making it more rigid and less susceptible to deflection or compression. No one of ordinary skill in the art would have thought to combine the two patents based on the rationale proffered by the Office Action, because the resulting structure would not achieve that rationale.

Claim 1 and claims 2-9, 16, 17, 19, 20, and 29, by implication, are in condition for allowance. Reconsideration is respectfully requested.

As claim 30 recites structure similar to that of claim 1, in particular a door including a resilient core and a flexible covering, as well as a first door panel that is able to substantially recover its relaxed shape after an impact causes appreciable distortion in the first door panel, claim 30 is also in condition for allowance.

As provided above, all of the pending claims are in condition for allowance. A favorable indication of the same is respectfully requested.

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